

***UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO***

JUDGMENT IN A CIVIL CASE

Kevin A. Tolliver

Plaintiff,

Case No. 2:16-cv-1020

vs.

**JUDGE GEORGE C. SMITH
Magistrate Judge Kemp**

Warden Noble et al

Defendants.

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☐ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

☒ **Decision by Court.** This action was decided by the Court without a trial or hearing.

PURSUANT TO THE ORDER filed on 3/8/2017, The *Order and Report and Recommendation*, ECF No. 11, is **ADOPTED** and **AFFIRMED**. Plaintiff's Complaint is hereby **DISMISSED** for failure to state a claim. Further, Plaintiff's Motion for Extension of Time to File an Amended Complaint is **DENIED AS MOOT**. This case is terminated.

Date: March 8, 2017

Richard W. Nagel, Clerk of Court

By: /s/Allison Moran
Allison Moran, Deputy Clerk